

PATENT
Serial No. 09/876,690
Amendment in Reply to Final Office Action of April 6, 2006

REMARKS

This Amendment is being filed in response to the Final Office Action mailed April 6, 2006.

By means of the present amendment, claim 5 has been canceled without prejudice, claims 1, 7 and 13 have been amended, and new claims 22-23 have been added. Claims 1-4, 6-10, 12-16 and 18-23 are now pending in this application, with claims 1, 7 and 13 being the only independent claims.

Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, claims 1-10, 12-16 and 19-21 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0087503 (Judd) in view of U.S. Patent No. 6,192,112 (Rapaport). It is respectfully submitted that claims 1-4, 6-10, 12-16 and 18-23 are patentable over Judd and Rapaport for at least the following reasons.

Judd is directed to a medical imaging system that allows any conventional Internet browser to function as a medical workstation.

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As recited on page 2, paragraph [0024], a primary physician is notified via e-mail or pager as soon as imaging has been completed. Thus, the physician does not have to wait by the imaging equipment for the image completion. Instead, the "post engine 28 sends an e-mail notification, via an e-mail server 20 (FIG. 2) to the person submitting the request when the computations are complete, thereby allowing the requester to do other tasks." (Emphasis added) Thus, an email is sent to the requestor whether or not the file has been reviewed. That is, even if the file has not been reviewed, an email is sent "when the computations are complete".

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 7 and 13, amongst other patentable elements, requires:

appending the new information to the study
without informing the user if the study has not
been reviewed. (Illustrative emphasis added)

This feature is nowhere taught or suggested Judd. Rather, Judd teaches to send an email even if the study has not been reviewed. Accordingly, Judd teaches away from the present inventions as recited in independent claims 1, 7 and 13. Rapaport is cited to allegedly show flags and does not remedy the

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deficiencies in Judd. It should also be noted that this feature is not a recitation of mere intended use. For example, claim 1 specifically recites structural elements such as a computer including logic for appending the new information to the study without informing the user if the study has not been reviewed.

Accordingly, it is respectfully submitted that independent claims 1, 7 and 13 are allowable, and allowance thereof is respectfully requested. In addition, as claims 2-4, 6, 8-10, 12, 14-16 and 18-21 depend from independent claims 1, 7 and 13, Applicants respectfully request that claims 2-6, 8-10, 12, 14-16 and 18-23 also be allowed.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

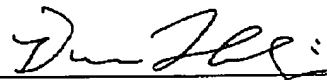
It is believed that no additional fees or charges are

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currently due beyond the fee for the Request for Continued Examination (RCE) to be charged to the credit card as noted by the enclosed authorization. No fees for claims in excess of twenty are due in view of canceled claims 5, 11 and 17. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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Enclosure: RCE Transmittal
Authorization to charge credit card \$790 for RCE fee

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